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THE SERVICES OF LABOR UNIONS IN THE SETTLEMENT OF INDUSTRIAL DISPUTES

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The discussion of methods whereby industrial peace may be conserved is of importance to the public, though many affect to believe that only those directly involved—employers and employed—are much interested. There could be no greater error. Industrial war means waste, and, however successfully society may be wheedled or defrauded of its just share of the bounties of nature, it always pays for the waste. I sometimes think that if economic wastage of every kind could be garnered and distributed among the toilers such questions as child labor and care of the aged would be quickly solved. That much actual and potential wealth is lost through industrial disturbances must be conceded. There is a school which professes to hold to the notion that the unions are solely to blame for this. As a unionist, I plead guilty with certain important qualifications. I beg these gentlemen to remember that it takes two parties to provoke a quarrel; also that the unions have been to the forefront with devices to avert this waste to such an extent that almost without exception every considerable and effective piece of conciliation and arbitration machinery in use had its beginnings in the meeting room of the unions of the trade. Strife is not the purpose of unionism, nor does the system foster it. If such were the case, the old and powerful unions would be noted as strike organizations; on the contrary, they are the societies that have few disturbances and little economic waste. A trade or calling in which the men are but indifferently organized has numerous strikes and lock-outs. A weak—or supposedly weak—organization is a sure harbringer of trouble, and a powerful one is a conservator of peace.

If it still be said that the unions stimulate the spirit of unrest, I reply that that spirit is what generates the union, and it would assert itself more violently if it was denied hope through the medium

of organization. The recent bloody and costly industrial disturbances in Russia tend to prove that assertion. In that country labor organizations were "trimmed up" in a manner that would surely satisfy the soul of the wildest union-baiting agitator in the country. Yet the spirit of unrest broke forth. And it meant revolution.

In the printing trades employers have much to say about the modern use to which we workers put an ancient institution known as the chapel, which is the cant term for shop meeting. Its representatives are accused of being ungentlemanly and insolent at times. When the Russian printers attained the dignity of holding such meetings and were about to appoint a committee to see the employers they selected the men who were the best shots and had the most efficient arsenals. With all its faults, the Typographical Union never sent out a scale committee loaded down with such "arguments." There would be good reasons for refusing to treat with the committee. The Russian employers didn't meet the committee either; they conceded all demands over the 'phone.

While not shirking any responsibility for their mistakes, trade unionists deny that their system is especially provocative of industrial strife. That is due to the inherent desire in man to insist upon his rights and to improve his social condition. The union arose when production passed into the factory stage and the employer knew not his employees except as he heard of them through his heads of departments bent on "making good." To the employer they were an impersonal mob who collectively got results. The foreman or superintendent who did know those under him regretted that in fact, for his chief business was to get the greatest result for the least money, and in doing so it became his duty to squeeze his friends. In this way injustices became rife that would not be thought of under the "small shop" system with its village-like environment. If men protested to the superintendent they were told the management was responsible, and the management in turn said it couldn't interfere with the superintendent. But both told the workers if they didn't like it they could go—the world was wide. But apart from juggling evasiveness of this character, if an employer were ever so willing to do the square thing, it would be impossible for him to meet the wishes of individual employees. The first step to remedy wrongs would be for the workers to counsel together and formulate

their demands or desires. Here we find that a sort of organization is necessary if men are not to submit to industrial despotism, and in the workaday world there are no benevolent despotisms. If an industry be in the competitive stage, the race for business prevents that to any great extent; and if competition be held in check the necessity for providing dividends on inflated stock is a barrier. The great central figure in a workingman's life is the wages he is to receive. That is not only vital with him, but vital with those dependent on him. If wages are low it means not only a lessening of creature comforts for himself, but a narrower, poorer outlook for his children.

With the rise of the factory system he found that the individual worker didn't count for much when it came to dicker about wages. The employer said, "We pay so much, and can get all the men we want at that price." Although the seller of a commodity, the worker found that the buyer set the price—and what was more, in effect, dared him to say aught except that the price so set was fair. Acting as individuals, the powerful employer disposed of his army of employees as he demolished an apple—bite by bite. And if one process gave physical satisfaction doubtless there was mental enjoyment in the other and more profitable act. If, however, the employees acted in concert on the wages question, the employer would be in the same position as though he were compelled to masticate his apple whole.

Thus in order to protect themselves as sellers of their only commodity—labor—wage-earners must organize; if they want to ascertain their views on what constitute equitable wages or fair working conditions they must come together in a society for the purpose of welding their ideas into concrete shape. Unless men are to be reduced to the state of a new species of serfdom they must organize in industries where many work for few men; in the other industries trade unionism as practiced by its leading exponents does not flourish to any great degree. So our friends who have nightmares about what will happen when every worker is a member of a union should calm their nerves. Trade unionism has an office to perform under certain obvious conditions, and where those conditions do not exist unionism is a weak and sickly plant. It is not the cause, but rather the effect of a cause, and is a legitimate offspring of our society. Therefore it is a necessity.

The cardinal tenet of unionism is that the worker shall have an effective voice in determining the conditions under which the worker shall sell his labor. This right has been and is usually resisted by employers. They see in it an attack upon their profits, and they know that, once they admit the principle involved, what had been the line of least resistance when they desired to economize assumes something like the proportions of a stone wall. So there were and are strikes and lockouts to enforce or resist this so-called principle. At that point of development in any trade we find unions adopting scales after sunset and enforcing them the following morning. Employers may succumb to such tactics, but when opportunity offers the inevitable reprisal occurs. This sort of guerrilla warfare goes on until the union is destroyed or the employers awake to the fact that whether they recognize the organization or not, it determines the wages paid. These wasteful strikes or lockouts are usually followed by a conference of some sort, many of which have seen the acceptance of the proposition which put an end to the wars. Having obtained recognition of this principle by force of hard knocks, taken and given, the union purpose and method begin to unfold. Confident of their ability to compel the respect of employers, the unionists promulgate a scale of wages, of which they notify the employers interested and invite them to confer on any disputed points. Oftentimes the unions have found their employers slow to act and are compelled to call meetings of the latter in order that negotiations may be conducted in a business-like manner.

The representatives of both factions are thus brought face to face, and there is a free and frank discussion of views, it is no uncommon thing to see employers voting with employees and vice versa. Convinced of the sincerity of the conferees, there is a disposition on the part of all to consider questions on their merit, rather than from the viewpoint of the special interests represented by each. By this means common sense and reason supplant misunderstanding and its consequent rancor and bitterness. If such a conference eventuates in an amicable settlement of differences, it is a short and easy step to establish a board of, say, two from each element, to which must be referred all disputes as to the interpretation of the agreement, with power to appoint an arbitrator in case the conferees are unable to agree.

From this naturally follows a conference committee with similar powers as to appointing an umpire to decide upon new scales. When this stage is reached and the representatives are honest in their professed desire to preserve the peace there is little danger of wasteful war. With a conference committee established there is an agency existing whose duty it is to minimize the differences between the contending factions. Without it, on the eve of any change the influence of each organization seems to be devoted to the senseless, almost criminal, work of widening the breach. This is done for the purpose of instilling confidence and backbone into their respective memberships. This of itself is wasted energy, for no one ever met an employee who was in favor of long hours and low wages or an employer who wasn't looking for the easiest way to affluence or a competency, whichever his goal might happen to be.

Wherever tried this system has been beneficent to all. It gives stability to employment on the one hand and steadiness to the labor market on the other. To the public it is also a guarantee against unsettled conditions. Economically speaking, what more can be asked? It is urged against it by some that such agreements usually provide for the surrender of individuality by reference of disputed points to an arbitrator. This is far-fetched, whether it emanates from a worker or an employer. The former renounces some of his personal rights when he joins a union, and the latter does also when he joins any of the numerous companies open to him, or promises to pay what his competitors concede. In certain circumstances the law compels us all to submit to an arbitrator when a neighbor transfers a dispute into a civil court where a judge is the umpire. This cry of individual liberty is carried to absurd lengths, for in our complex state of society we are all dependent.

There is but one class with a logical theory of independence—the philosophical anarchists—and the law places them under the ban. But experience teaches us that where trade agreements prevail there is seldom resort to the arbitrator. The conferees generally settle all questions before they adjourn. An illustration of this is given by the agreement under which the union printers and newspaper publishers of Chicago have been working for about twenty years (I have not the exact date). Many perplexing questions came before the joint board for determination, and but once or twice were the services of an arbitrator required. The board was able to

determine satisfactorily questions on which the unionists were far from agreed, and publishers let it compose differences among themselves. In that period wages had been raised and lowered and the basis of payment changed.

I recall that when typesetting machines were in their infantile days it became necessary for the board to render a decision. Owing largely to the fact that none knew much about the character and productivity of Mr. Mergenthaler's revolutionary innovation there was no agreement. An arbitrator was unanimously chosen, who rendered a decision. Its character and effect are no importance now and here. As time rolled round and more light was obtained on the matter and the making of a machine scale became a necessity, the board decided the subject too important to be determined by an outsider, and forthwith drafted a scale that in its essential features has held since that time.

The decision of an arbitrator often leaves bitterness in its train, but not so the result of the deliberations of a joint board. And the reason is not far to seek. The document is the joint product of the two parties in interest—it is the conclusion of the minds presumably best fitted to determine such problems. If either party has made a mistake in the selection of representatives it will regard it philosophically—it at least has no “kick coming,” to drop into the vernacular. But those acquainted with the system know that the element of justice underlying it is what commends it to the workers. The right of the seller to have an effective voice in establishing the price of his product is recognized, as is not possible under any other known system. And behind the labor movement in all its manifestations is the all-consuming desire for justice—rather than for power. This element also commends the system to fair-minded employers.

The history of trade agreements has been one of steady progress. Recent history in the printing trades shows that the business-like methods which prevailed in Chicago commended themselves to the craft in other cities. In time the National Publishers' Association suggested that an agreement be drafted to cover the entire jurisdiction and embracing as many subjects as possible. On the whole this has worked well. There is, however, a question as to whether the employees have not suffered from a pecuniary point of view. With the exception of two instances I do not recall that there have been any

insinuations of unfairness, and those were arbitrators' decisions. The doubt arises from an entirely different cause. Since the agreement was entered into there has been an unprecedented and unlooked-for activity in business, and the union is so strongly entrenched in the newspaper offices that it is my opinion we could have compelled greater advances of wages by the use of force than we have received through conference or arbitration. For years and years the newspaper printers have worked to attain that power, and during the period they could have used it most advantageously they willingly forego the profit in order that a more equitable system of scale-making may prevail in the craft. I don't think it fair to say we were trapped and knew not what we were doing, nor do I think those publishers who are best informed on the subject would say we were. We knew what we were doing, and we glory in the result. The union has grown in numbers and in the scope of its authority, yet in those divisions covered by the trade agreement strikes and lock-outs have been eliminated. As it has been with the printers, so has it been with other trades.

From the standpoint of the public, the trade agreement is a happy solution of the strike and lockout difficulty. And if the great industries are not conducted along such lines, I venture that the State will find some substitute. Great strikes in Australasia begot the compulsory arbitration laws of that progressive corner of the world. And here and there in this country State boards of mediation and arbitration are carrying on flirtations with the same remedy.

More significant still is what is known as the Gilbert injunction bill, in the present Congress. As I understand it, that measure authorizes the judiciary to look into the merits of the dispute when an injunction is sued for. This will doubtless be defeated, as it finds favor with neither faction. It is worth while to remember, though, that this is frankly admitted to be an administration measure, and whatever may be one's opinion of President Roosevelt, it must be admitted he has heretofore shown a remarkable faculty for taking the public pulse. He seems to gauge accurately the sentiments of the great mass of people interested in a question, though not actively engaged in exploiting it. His action in the coal strike of four years ago serves to illustrate my meaning. Neither anti-union employers nor unionists were particularly pleased with his interference, but so overwhelmingly did the masses approve of it that even the objec-

tions of the ubiquitous constitutional lawyers were drowned in the approving plaudits.

This public desires justice, too, and it doesn't want its comfort disturbed. If a strike or lockout causes a dearth of coal at a reasonable price or common carriers do not properly perform their functions, the public will find a way to terminate strikes. And this public, with its good heart and strong sense of justice, will not order a wholesale massacre of strikers or their incarceration. It will empower some authority to hear the evidence and determine the rights in the controversy so that justice may prevail and the public wants be supplied. These law-made arbitrators—new kinds of courts to settle new-born controversies—may even be elected for short terms by the people. Legal objections to such a tribunal may be piled up mountain high, be very logical and very forbidding, but my limited reading of the history of this country has taught me that whatever the people really desired they secured—even to the establishment of a prohibitive tariff under the guise of raising revenue from imports, or the abolition of chattel slavery. And the new order has always made good.

But I hear our friends say that may be all very well and permissible in the case of necessitous industries like coal mining or rail-roading, but no such regulation would be made to apply to smaller and less important lines of activity. If such a remedy were found to work well and serve the ends of justice in the major industries, it would inevitably be applied to the minor ones. In fact in the whirligig of legal warfare over the innovation it might be deemed necessary to make the law all-inclusive in order to avoid some such pitfall of class legislation. So far as known, State interference has never proven as satisfactory as the trade agreement method of settling disputes, but those who oppose it on the ground that it is a surrender of personal liberty—"veiled Socialism" is the incongruous name given by some—are hastening the day when what they profess to dread the most will be ushered in. And, indeed, that would not be a new thing. Often has it occurred that the reactionaries who opposed any recognition of new conditions have been the most valuable aid to radical thought and methods.

If powerful unions are the parents of the trade agreement system, it is none the less true that the prime requisite for its maintenance is strong, dominating organizations on both sides of the

house. With the employers it must be of sufficient force to compel honest adherence to the scale in its field of operations. The unions must be in such a position that when they speak it is the last word on their side of the subject. They must also be able to discipline employees who would violate the terms of the agreement. If they are unable to do this employers will soon complain, and with justice, for an agreement with an organization unable to control the workers at the trade would be worse than farcical. Suppose during the past few fat years the Typographical Union had been a weak institution, unable to control its members, we would have seen the spectacle of men making demands on publishers at times when they would have to concede or suffer much loss. Methods for preserving discipline differ in the various unions. Some rely on beneficial systems; others partly on the closed shop. But whatever the means, they must not be impaired, for with the advent of new responsibilities there is need for more, not less, power in the organization.

The main objection to collective bargaining is that it has in some instances led to conspiracies having for their object the fleecing of the people. The cases cited have been exceptional and the evil was short-lived. But this is not an intended or usual outcome of the trade agreements. In truth, the public are mulcted most in industries in which the trade agreement does not obtain. This species of robbery may be an accompaniment of collective bargaining here and there, but it is not of it, and its root is to be found elsewhere. If we want to give battle to that kind of wrong we are better equipped to do so as citizens than as industrialists. If there were not a trade union in this broad land the consumer would be the victim of such get-rich-anyway conspiracies.

To sum up, collective bargaining (1) recognizes the right of the wage-earner to a real and substantial voice in determining the price of his labor; (2) reduces industrial strife and the wastage from strikes and lockouts to a minimum; (3) provides the most satisfactory method of settling disputed questions, as the arbiters are experts selected by each side, and (4) it is the best safeguard against government interference in its least beneficent and most obnoxious form—compulsory arbitration or its approximate.

Those who oppose collective bargaining either openly or by indirection through miserable subterfuges are in duty bound to show

us a way out which will furnish the workers equal justice, conserve the energies of the people, secure as equitable results and ward off the ogre of government control of wage scales. They will have much difficulty in doing this, but until they can fill the bill they should step aside. To be a mere negationist on this question is to be reactionary and a discourager of progress—a bourbon unaffected by the growth of intelligence or the change of conditions.